

Adopt Mtec 301.01 to 305.01, to read as follows:

CHAPTER Mtec 300 REGISTRATION REQUIREMENTS, APPLICATIONS AND FEES

PART Mtec 301 DEFINITIONS

Mtec 301.01 Definitions. The following terms shall have the meaning indicated when used in this chapter:

(a) "Access" means the permission, liberty, or ability to enter, approach, or pass to and from a place or to approach or communicate with a person or thing; and the freedom or ability to obtain or make use of something.

(b) "Applicant" means a person who seeks registration as a medical technician in New Hampshire.

(c) "Controlled substance" means controlled substance as scheduled pursuant to the federal Controlled Substance Act, 21 U.S.C. 801, and as defined by the term "controlled drug" or "controlled drug analog" pursuant to RSA 318-B:1, VI and VI-a

(d) "Health care facility" means health care facilities as defined in RSA 328-I, 1, IV, namely those licensed under RSA 151.

(e) "Health services" means clinically related diagnostic, treatment, or rehabilitative services, as well as preventive services, and includes, without limitation, alcohol, drug abuse, and mental health services.

(f) "Medical establishment" means medical establishment as defined in RSA 328-I:1, V, namely a setting where health care services are provided to patients, including, but not limited to, the office of a physician, dentist, naturopath, advanced practice registered nurse, optometrist, podiatrist, or a clinic, laboratory, or place not licensed under RSA 151.

(g) "Medical technician" means medical technician as defined in RSA 328-I, VI, namely a health care worker:

(1) Who is not licensed or registered by a New Hampshire regulatory board; and

(2) Who assists licensed health care professionals in the diagnosis, treatment, and prevention of disease; and

(3) Who has access to controlled substances and access to or contact with patients in a health care facility or in a medical establishment.

PART MED TECH 302 GENERAL ADMINISTRATION

Mtec 302.01 Forms.

(a) Whenever a person is required to complete a form, the following shall apply:

(1) Forms shall be filled out completely;

(2) Forms shall be completed in a legible manner; and

(3) Forms shall be completed in non-fading, non-erasable ink, or computer printing.

Mtec 302.02 Incomplete Form.

(a) All forms shall be reviewed by the board or its designee upon filing.

(b) The submitting party shall be notified of any apparent errors or omissions and allowed to resubmit the form to the board.

Mtec 302.03 Failure to Comply with Statute or Rule.

(a) In the event an applicant fails to comply with an applicable statute or rule, the request for registration application shall not be approved by the board.

(b) The applicant shall be notified in writing of the reason(s) for the rejection and given an opportunity to come into compliance, or seek a hearing before the board to contest the issue.

Mtec 302.04 Fees, Form of Payment. Whenever an applicant makes payment to the board for satisfaction of a fee, the following shall apply:

(a) Payment shall be made in the form of cash, check, money order, accepted credit cards, or other forms of electronic transfer in accordance with procedures approved by the state treasurer.

(b) Checks and money orders shall be made payable to "Treasurer, State of New Hampshire".

(c) Unless otherwise provided in these rules, any fee prescribed by statute or rule shall be submitted at the same time as the application.

Mtec 302.05 Checks.

(a) Post-dated checks shall not be accepted.

(b) Checks shall be for the exact amount due to the board.

(c) No two-party check shall be accepted.

(d) No check shall be accepted which is dated more than 90 days prior to receipt. In such an event the application shall be rejected and the applicant shall be notified.

Mtec 302.06 Legal Address.

a) Whenever a registrant is required to furnish his/her address by statute or rule:

(1) The address shall reflect a street, road, avenue, or like designation.

(2) If the address is within a multiuse or multifamily building or complex, the address shall additionally include an apartment or unit number.

(3) A post office or rural route box number, without more, shall not be adequate.

Mtec 302.07 Change of Address or Employment.

(a) Any medical technician who changes his or her place or status of employment in New Hampshire, or residence address shall notify the board in writing within 30 days, providing the following information:

- (1) Name;
- (2) Date of birth;
- (3) Old address;
- (4) New address;
- (5) New place of employment; or
- (6) New status with an existing employer.

Mtec 302.08 Change of Name.

(a) Whenever a registrant alters his or her legal name, the registrant shall within 30 days furnish the following information in writing to the board:

- (1) Date of birth;
- (2) Former name;
- (3) New name; and
- (4) Signature of the registrant.

(b) As evidence of a new name, a registrant shall present a copy of one of the following:

- (1) Name change petition from the court of Probate in the place where the action occurred;
- (2) Marriage certificate;
- (3) Divorce decree;
- (4) Passport;
- (5) Adoption decree;

(6) Court decree; or

(7) Other document issued by a government or public agency in the place where the action occurred that conclusively shows a legally binding change of name.

PART MTEC 303 DUTY TO REGISTER

Mtec 303.01 Duty to Register

(a) Any person who seeks to assist a licensed health care professional in the diagnosis, treatment, and prevention of disease as an employee in any health care facility or medical establishment located in New Hampshire shall register with the board prior to:

(1) Having access to controlled substances; and

(2) Access to or contact with patients.

(b) Any person who seeks to assist a licensed health care professional in the diagnosis, treatment, and prevention of disease as an employee in any health care facility or medical establishment located in New Hampshire shall be excused from the duty to register with the board if:

(1) The person has no access to controlled substances or; access to or contact with patients;
or

(2) The person is licensed or registered by a New Hampshire health care regulatory board.

Mtec 303.02 Ongoing Duty of Medical Technician

(a) The duty to register with the board shall continue so long as the person acts to assist a licensed health care professional in the diagnosis, treatment, and prevention of disease as an employee of any health care facility or medical establishment located in New Hampshire.

(b) The duty to register is based upon ongoing assigned duties of the technician in the health care facility or medical establishment, and shall not be excused by:

(1) Reliance upon a written job description, meaning the official posting by the Human Resource Department or an Office Manager of the facility or establishment for the position which the technician was hired to fulfill that includes all of the duties and responsibilities of the position, or ;

(2) Reliance upon a written personnel or policy manual of the facility or establishment.

Mtec 303.03 Duty of Health Care Facility or Medical Establishment

(a) Pursuant to RSA 328-I, 5, every health care facility and medical establishment employing one or more medical technicians shall ensure that such technicians are registered in compliance with this chapter.

(b) Pursuant to RSA 328-I:10, III, every health care facility or medical establishment employing a

medical technician shall report to the board instances of the following conduct which results in the imposition of discipline or termination of the employment relationship:

- (1) Professional misconduct; or
- (2) Violation of an organizational rule or procedure involving a controlled substance.

PART MTEC 304 APPLICATION PROCESS

Mtec 304.01 Application

(a) Persons wishing to obtain registration as a medical technician in New Hampshire shall apply to the board by submitting the following:

- (1) An application on a form provided by the board, which contains the information specified by Mtec 304.01 (b);
- (2) Criminal history records check form, seeking both a NH and a federal records check in accordance with the procedure specified by the NH Department of Safety at Chapter Saf-C 5700, Operation of the Central Repository: Criminal Records with the required fee.
- (3) A 2 inch by 2 inch passport quality photograph taken within 90 days of the date of the application;
- (4) The fee as required by Mtec 305.01.

(b) The applicant shall supply the following information on the application form:

- (1) Name, as it should appear on the registration;
- (2) Any other name used, including a maiden name, if different from (1) above;
- (3) Home street and mailing address, and telephone number;
- (4) Place of current employment, with business address and telephone number;
- (5) Personally identifying information of the applicant, to include:
 - a. Birthplace;
 - b. Date of birth;
 - c. Sex;
 - d. Social security number, pursuant to RSA 161-B: 11,VII-a; and
 - e. Current personal email address, if applicable.

(6) The applicant's intended or current occupation, profession, or job.

(7) A list of all places where the applicant was employed at any time during the ten year period ending upon the date of the application, together with:

- a. The name and address of the employer;
- b. Dates that the employment began and ended; and
- c. The reason for leaving the employment.

(8) A letter of explanation for a "yes" answer to any of the following questions:

- a. Have you ever received disciplinary action against any license, certification or registration in any state or jurisdiction, including reprimand, probation, suspension, revocation, education or practice stipulations, fines or voluntary surrender?
- b. Are you currently, or have you previously been impaired by or diverted any chemical substances that impaired your ability to practice?
- c. Have you ever been convicted of a felony under the laws of the United States or any state or any offense involving moral turpitude?

(9) The applicant's signature on a statement, which shall be signed, dated and acknowledged before a Notary Public or Justice of the Peace that:

- a. The information and documentation provided on all parts of the application form and submitted to support the application is complete and accurate to the best of the applicant's information and belief;
- b. Knowingly making a false statement in the application is a misdemeanor under RSA 641:2, I; and
- c. The applicant has read RSA 328-I and the rules of the board, and promises that if registered, will abide by them.

(c) The application shall be accompanied by the fee established by the board pursuant to Mtec 305.01.

(d) An application shall be considered to be on file with the board as of the date the board has received:

- (1) A fully completed application form with passport photograph;
- (2) Proof that the required criminal history records check form has been submitted to the Department of Safety; and
- (3) Proof that the applicant's fee check has been deposited and cleared, if applicable.

(d) Within 60 days of the date the application is on file with the board, the board shall request the applicant to provide additional information or documentation determined to be needed to clarify the

application or any materials related to the application.

(e) The board shall approve or deny the application within a reasonable time, not to exceed 90 days from:

- (1) The date the application is on file with the board; or
- (2) The date of the response to a request pursuant to Mtec 303.02 (g).

(f) If the application is denied, the applicant shall be provided:

- (1) A written order specifying why the application has been denied for failure to comply with one or more requirements of RSA 328-I or Mtec 304.02; and
- (2) An opportunity to request a hearing for reconsideration pursuant to Mtec 205 on the deficiency issues identified by the board.

(g) Any such request for a hearing shall be submitted to the board within 30 days from the date of the board's notification of denial, failing which the denial shall be deemed final.

(h) Pursuant to RSA 328-I: 6, V, once an application has been approved by the board, a temporary registration may be issued, pending receipt of the criminal history records check results.

Mtec 304.02 Qualifications.

(a) No application for registration as a medical technician shall be approved if any of the following are present:

- (1) A finding by the board that the applicant, or someone acting on the applicant's behalf, has submitted a materially false statement or concealed or omitted a material fact in connection with the application;
- (2) Receipt of evidence of suspension or denial of a requested registration, license or certificate by this board, or another registration body, licensing body or professional association;
- (3) Receipt of evidence of convictions of a felony under the laws of the United States or any state or any offense involving moral turpitude; or
- (4) A finding by the board that the applicant has willfully or repeatedly failed to comply with any other provision of this chapter or any rules adopted by the board; or
- (5) A finding by the board that the applicant is a habitual user of drugs or intoxicants.

PART Mtec 305 FEES.

Mtec 305.01 Fees

(a) In addition to any fee imposed by statute, a fee of \$110.00 shall be charged by the board for reinstatement of a lapsed registration.

APPENDIX

Rule	Statute Implemented
301.01- 305.01	RSA 328-I:4; 328-I:3, X
303.01-303.03	RSA 328-I:5; 328-I:7; 328-I:10
304.01-304.02	RSA 328:I:6-7